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TO: COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

ART UNIT: 2164

EXAMINER : Sam Rimell

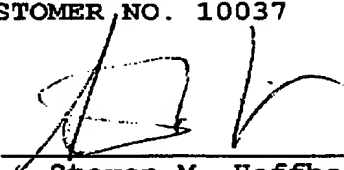
CASE NO.: SZABO 201.1

SERIAL NO.: 09/400,649

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Steven M. Hoffberg
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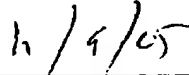
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SZABO 201.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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Applicant : Andrew Szabo

Serial No. : 09/400,649

Filed : September 21, 1999

For : NUTRITIONAL OPTIMIZATION SYSTEM AND METHOD

Examiner : Samuel Rimell

Group: 2175

Via Fax (571) 273-8300
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 9, 2005

RESPONSE TO NOTICE OF NONCOMPLIANT APPEAL BRIEF UNDER 37 C.F.R. §41.37

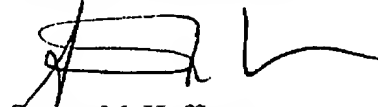
Hon. Commissioner of Patents and Trademarks
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SIR:

In response to the Notice of Noncompliant Appeal Brief dated November 3, 2005, and in compliance with the procedure outlined in MPEP 1210.01, Applicant herewith provides amended information identifying the real party in interest. The error in identifying the party was unintentional.

(1) REAL PARTY IN INTEREST: The real party in interest is the assignee of the patent application, Smeaton Pump LLC.

Respectfully submitted,

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Szabo-201.1

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Appeal Brief